

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: September 20, 2006

Division: Monroe County Housing Authority

Bulk Item: Yes XX No     

Department: Special Programs Office

Staff Contact Person: Gilda Boza

**AGENDA ITEM WORDING:** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING AMENDMENT #4 TO THE AWARDED COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT AGREEMENT

**ITEM BACKGROUND:** On March 19, 2003, the BOCC granted approval of accepting the 2002 CDBG Agreement offered by DCA; reallocate all of the housing rehabilitation funds (\$150,000) moving these funds for additional wastewater connections; and designate the expanded Stock Island Service Area as the initial service area for CDBG assistance – Contract Agreement # 03DB-1A-11-54-01-H32. October 15, 2003, the BOCC approved the reallocation of funds. February 18, 2004, the BOCC approved Amendment #1 to the Contract Agreement, and on June 16, 2004, the BOCC ratified the DCA executed Amendment to the Contract Agreement. On February 16, 2005, the BOCC granted approval of Amendment #2 to the Contract Agreement to implement a six-month extension to expend the grant funding revising the Agreement to reflect an expiration date of October 8, 2005. On November 30, 2005, the BOCC granted approval of Amendment #3 to the Contract Agreement to reinstate and implement a twelve-month extension revising the expiration date for the Agreement to October 8, 2006. The initial service area of Stock Island is still experiencing delays in connecting to the wastewater system. Last years active hurricane season and the flooding caused by Hurricane Wilma delayed the sewer work in the Monroe County area. The amendment is for a six-month extension to expend the grant funding and meet Contract Agreement requirements.

**PREVIOUS RELEVANT BOCC ACTION:** Resolution 213-2003, Adopting DCA executed CDBG Contract Agreement for the 2002 cycle (03DB-1A-11-54-01-H32); Resolution 467-2003, approved amending the reallocation of funds; Resolution 088-2004, approved Amendment #1; and, Resolution 220-2004 ratified executed document; Resolution 071-2005 approved Amendment #2 revising expiration date for the Agreement to October 8, 2005; Resolution 328a-2005 approved Amendment #3 reinstating and revising expiration date for the Agreement to October 8, 2006.

**CONTRACT/AGREEMENT CHANGES:** Reinstatement, six-month extension and revise Work Activity Plans.

**STAFF RECOMMENDATIONS:** Adoption of this resolution to amend the CDBG Contract Agreement 03DB-1A-11-54-01-H32 with DCA.

**TOTAL COST:** \$0.00

**BUDGETED:** Yes X No     

**COST TO COUNTY:** \$0.00

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes      No X **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty  OMB/Purchasing  Risk Management     

**DIVISION DIRECTOR APPROVAL:**

  
J. Manuel Castillo, Sr., Executive Director, MCHA

**DOCUMENTATION:** Included XX Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

**RESOLUTION NO.            - 2006**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
MONROE COUNTY, FLORIDA, TO APPROVE AMENDING THE COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG), CONTRACT AGREEMENT.**

**WHEREAS**, on March 19, 2003, the BOCC granted approval of accepting the 2002 Community Development Block Grant (CDBG) Agreement offered by DCA; and

**WHEREAS**, also during the March 19, 2003, BOCC meeting, the Commission approved the reallocating of the CDBG Housing Rehabilitation Work Activity funding in the amount of \$150,000 to the CDBG Sewer Hookup Work Activity funding; and

**WHEREAS**, DCA executed the Contract Agreement # 03DB-1A-11-54-01-H32 for \$750,000 on April 9, 2003; and

**WHEREAS**, on February 18, 2004, the BOCC approved Amendment #1 to the Contract Agreement reflecting this reallocation; and

**WHEREAS**, on February 16, 2005, the BOCC approved Amendment #2 to the Contract Agreement for a six-month extension revising the expiration date of the Agreement to October 8, 2005; and

**WHEREAS**, on November 30, 2005, the BOCC approved Amendment #3 to the Contract Agreement for a reinstatement and twelve-month extension revising the expiration date of the Agreement to October 8, 2006; and

**WHEREAS**, the Contract Agreement expires on October 8, 2006, requiring an amendment for a reinstatement and a six-month extension to expend the grant funding and complete Contract Agreement requirements;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, MONROE COUNTY, FLORIDA, that:**

Section 1: The above recitals are true and correct and incorporated herein.

Section 2: Amendment #4 to the Grant Agreement to implement a reinstatement and a six-month extension to expend funding, a copy of which is attached as Attachment "A", together with such non-material changes as may be acceptable to the County Mayor and approved as to form and legality by the County Attorney, shall be signed by the Mayor. Except as provided in Amendment #4, no term or condition of the Small Cities, Housing, Community Development Block Grant shall be modified and the same shall remain in full force and effect.

Section 3: This resolution shall become effective immediately.

**PASSED AND ADOPTED**, by the Board of County Commissioners of Monroe County, Florida at a regular meeting on said Board on the 20th day of September, A.D., 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Dixie M. Spehar  
Commissioner Mario DiGennaro  
Commissioner George Neugent  
Commissioner Glenn Patton

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

ATTEST: Danny L. Kolhage, CLERK

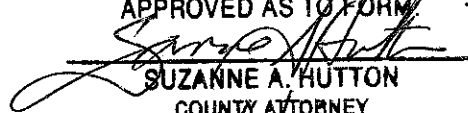
By: \_\_\_\_\_

Deputy Clerk

By: \_\_\_\_\_

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM

By: Mayor Charles "Sonny" McCoy

  
SUZANNE A. HUTTON  
COUNTY ATTORNEY

Date 8/21/06

**MODIFICATION # 4 TO GRANT AGREEMENT BETWEEN  
THE DEPARTMENT OF COMMUNITY AFFAIRS  
AND THE COUNTY OF MONROE**

This Modification is made and entered into by and between the State of Florida, Department of Community Affairs, ("the Department"), and the County of Monroe, ("Recipient"), to modify DCA Contract Number 03DB-1A-11-54-01-H32 ("the Agreement").

WHEREAS, the Department and the Recipient entered into the Agreement, pursuant to which the Department provided a subgrant of \$750,000.00 to Recipient under the Small Cities Community Development Block Grant ("CDBG") Program as set forth in the Agreement; and

**WHEREAS, the Agreement will expire October 8, 2006, and the Recipient has requested that the contract be reinstated and the contract period extended; and**

WHEREAS, the Department and the Recipient desire to modify the Agreement by modifying Attachment B, Activity Work Plan section thereunder.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. **The Agreement is hereby reinstated as though it has not expired.**
2. Paragraph 3 of the Agreement is hereby revised to reflect an expiration date for the Agreement of April 8, 2007.
3. The Attachment B, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment B, Activity Work Plan, which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
5. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out herein.

DEPARTMENT OF COMMUNITY AFFAIRS

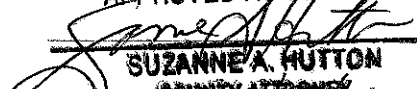
RECIPIENT: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Janice Browning, Division Director  
Housing and Community Development  
DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Name: Charles McCoy  
Title: Mayor, County of Monroe  
DATE: \_\_\_\_\_

MONROE COUNTY ATTORNEY

APPROVED AS TO FORM:

  
SUZANNE A. HUTTON  
COUNTY ATTORNEY  
Date 8/27/06

## ACTIVITY WORK PLAN

RECIPIENT MONROE COUNTYDATE PREPARED August 8, 2006CONTRACT NO. 03DB-1A-11-54-01-H32ACTIVITY BUDGET \$112,500

(for this activity only)

| Activity   |                                  | Number of Proposed Beneficiaries<br>for this activity only  |     |       | Proposed Activity Units                     |  |
|--|----------------------------------|---|-----|-------|---|--|
| Name <u>Administration</u><br>Number <u>013</u><br>Service Area # <u>N/A</u> |                                  | LMI   | VLI | Total | <u>100</u><br>No. of Units                  | Housing<br>Units<br>H.U.<br>Type of<br>Units         |
| Date<br>Start<br>(month<br>& year)   | Date<br>End<br>(month<br>& year) | Describe Proposed Action to be Undertaken or Contract Special<br>Condition Clearance Documentation<br>to be Submitted by "Date End" |     |       | # Units to be<br>Completed<br>by "Date End" | Proposed \$\$<br>to be<br>Requested by<br>"Date End" |
|  |                                  | Submit Request for Release of Funds & Environmental Conditions  |     |       |   |  |
|  |                                  | Submit documentation to clear Special Condition Numbers <u>All</u>  |     |       |   |  |
| 04/03  | 09/04                            | Administrative Reimbursements   |     |       |   | \$ .00   |
| 07/03  | 12/04                            | Administrative Reimbursements   |     |       |   | \$26,836.43  |
| 01/05  | 08/05                            | Administrative Reimbursements   |     |       |   | \$11,234.71  |
| 09/05  | 07/06                            | Administrative Reimbursements   |     |       |   | \$24,480.02  |
| 08/06  | 10/06                            | Administrative Reimbursements   |     |       |   | \$34,463.67  |
| 11/06  | 01/07                            | Administrative Reimbursements   |     |       |   | \$ 7,742.59  |
| 02/07  | 04/07                            | Administrative Reimbursements   |     |       |   | \$ 7,742.58  |
|  |                                  |   |     |       |   |  |
|  |                                  |   |     |       |   |  |
|  |                                  |   |     |       |   |  |
|  |                                  |   |     |       |   |  |
|  |                                  |   |     |       |   |  |
| 04/07  | 04/07                            | Submit Administrative Closeout  |     |       |   |  |

ACTIVITY BUDGET TOTAL \$ 112,500  
(must equal Activity Budget in the heading of this form)

# ACTIVITY WORK PLAN

RECIPIENT **MONROE COUNTY**

DATE PREPARED **August 8, 2006**

CONTRACT NO. **03DB-1A-11-54-01-H32**

ACTIVITY BUDGET **\$637,500**

(for this activity only)

| Activity                             |                            | Number of Proposed Beneficiaries<br>for this activity only  |           |            | Proposed Activity Units                     |  |
|--------------------------------------|----------------------------|---|-----------|------------|---|--|
| Name <b><u>Sewer Connections</u></b> |                            | <u>50</u>   | <u>50</u> | <u>100</u> | <u>100</u>                                  | <u>H.U.</u>  |
| Number <b><u>09(a)</u></b>           |                            | LMI   | VLI       | Total      | No. of Units                                | Type of Units  |
| Service Area # <b><u>N/A</u></b>     |                            |   |           |            |   |  |
| Date Start<br>(month & year)         | Date End<br>(month & year) | Describe Proposed Action to be Undertaken or Contract Special<br>Condition Clearance Documentation<br>to be Submitted by "Date End" |           |            | # Units to be<br>Completed<br>by "Date End" | Proposed \$\$<br>to be<br>Requested by<br>"Date End" |
|                                      |                            | Submit Request for Release of Funds & Environmental Conditions  |           |            |   |  |
|                                      |                            | Submit documentation to clear Special Condition Numbers <b><u>ALL</u></b>   |           |            |   |  |
| 04/03                                | 09/04                      | Sewer Connections (0%)  |           |            | 0   | \$ .00   |
| 10/04                                | 12/04                      | Sewer Connections (0%)  |           |            | 0   | \$ .00   |
| 01/05                                | 08/05                      | Sewer Connections (0%)  |           |            | 0   | \$ .00   |
| 09/05                                | 07/06                      | Sewer Connections (41%)   |           |            | 41  | \$152,690.00   |
| 08/06                                | 10/06                      | Sewer Connections (57%)   |           |            | 57  | \$209,352.50   |
| 11/06                                | 01/07                      | Sewer Connections (80%)   |           |            | 80  | \$147,957.50   |
| 12/07                                | 04/07                      | Sewer Connections (100%)  |           |            | 100   | \$127,500.00   |
|                                      |                            |   |           |            |   |  |
|                                      |                            |   |           |            |   |  |
|                                      |                            |   |           |            |   |  |
|                                      |                            |   |           |            |   |  |
| 04/07                                | 04/07                      | Submit Administrative Closeout  |           |            |   |  |

ACTIVITY BUDGET TOTAL **\$ 637,500**  
(must equal Activity Budget in the heading of this form)

#### **Narrative For Amendment #4:**

This is the fourth amendment for this grant under Contract Agreement 03DB-1A-11-54-01-H32.

The first amendment, the Board Of County Commissioners (BOCC) approved the reallocating of all the housing rehabilitation funds (\$150,000) by moving these funds to the CDBG Work Activity of Sewer Connections. With this reallocation, the amount for the CDBG Work Activity of Sewer Connections increased from \$487,500 to \$637,500. The Commission also approved that the expanded Stock Island Service Area be designated as the initial service area for this CDBG sewer connection assistance.

The second amendment, the Board of County Commissioners (BOCC) approved to implement a six-month extension of time to reflect an expiration date of October 8, 2005 in order to complete the sewer connection work activity for this CDBG Program.

The third amendment, the Board of County Commissioners (BOCC) approved to reinstate and implement a twelve-month extension of time to reflect an expiration date of October 8, 2006 in order to complete the sewer connection work activity for this CDBG Program.

The following is a summary of the activities that are currently being undertaken through this grant.

At the time of the CDBG Contract Agreement, the Stock Island area was the first wastewater project available to the program. The County awarded a contract to the Key West Resort Utility (KWRU) for this service. This area was already being serviced by the KWRU and was a logical expansion of their existing wastewater treatment facility. The work was completed ahead of schedule and the homes were notified to connect to the wastewater system. There were originally 102 eligible CDBG applicants. However, we presently have only 39 eligible applicants. Many trailer parks are converting to condominiums, which low-income individuals cannot afford. Many sold their property because of the high cost of living and the increase in insurance rates. Many left the area because their homes were no longer habitable due to hurricane damage. Of the 39 eligible applicants, eleven (11) proposals have been received, eight (8) of the proposals have signed contracts and eight (8) of those are completed. There are still wastewater concerns in the Stock Island area. We have eighteen (18) eligible applicants that reside in Harbor Shores. Harbor Shores is under a Homeowners Association that had been striving to maintain the sewer system they presently have. The Homeowners Association and their attorney met the week of July 8, 2006 with the County Attorney and KW Resort Utilities Engineering Firm to discuss final details of plans to hook up to the new sewer system. The County agreed to put in the buffer tank that Harbor Shores needs to be able to get bids from licensed contractors for the work necessary to connect to the new sewer system. No estimation could be given as to the period of time it will take to put the buffer tank in.

There are three (3) other areas of this wastewater project in Monroe County, which are Bay Point, Conch Key and Key Largo.

Bay Point was able to start connecting to the new sewer system August 2005. Of the 22 eligible applicants, we received 22 proposals and 22 are under contract. 21 contracts have been completed.

Conch Key was able to start connecting to the new sewer system September 2005. Of the 6 eligible applicants, we received 6 proposals and 6 are under contract. 3 contracts are completed.

Key Largo was able to start connecting to the new sewer system on April 12, 2006 for the Key Largo Trailer Village area, which was the Phase 1 area for the CDBG funding. Of the 71 eligible applicants, we received 67 proposals and 65 are under contract. 25 contracts are completed.

Currently, in all four areas, there are a total of 138 eligible applicants. A total of 106 proposals have been received and a total of 101 contracts have been signed. We have completed a total of 57 contracts. The dollar value for the total number of contracts signed is \$292,715.00. The total amount of CDBG funds expended for Sewer Laterals totals \$208,142.50. Total amount of CDBG funds expended for Hook Up fees totals \$153,900.00.

Last year's hurricane season was extremely active and Monroe County was negatively effected. Monroe County experienced severe flooding caused by Hurricane Wilma. Many contractors lost equipment and vehicles, and many of their employees left the area. Delays in completion of sewer plants and the effect of four major hurricanes has made it very difficult, if not impossible, to complete all work contracted under the CDBG by the expiration date of October 8, 2006.

A CATF meeting, open to the public, was held on Wednesday, August 16, 2006, and the recommended amendment for the reinstatement and six-month extension was reviewed and discussed. The CATF recommended approval and passed a motion to provide the amendment as an Agenda Item for the September 20, 2006 meeting of the Board of County Commissioners for approval. This resolution is part of this amendment application. A public hearing was held on Friday, August 18, 2006. No public attendees.

In conclusion, it is recognized that the sewer connection activity is extremely important to the County of Monroe, Florida. The Board of County Commissioners is actively working with DCA to meet wastewater improvement requirements for the Florida Keys before 2010. The CDBG Contract Agreement expires October 8, 2006. The 6-month extension will provide the necessary time to complete the sewer connection assistance programs for the County, and will greatly assist in reducing the economical adverse affects on the low and very low-income eligible recipients.